

REMARKS

Claims 1-13 remain pending in this application.

Claims 1 and 3-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,692,436 to Bluth et al. (hereinafter "Bluth"). Applicant respectfully traverses this rejection.

In the March 6, 2006 Office Action, the examiner found earlier Rule 132 Declarations of Hensley to be ineffective because the Declarations were not signed by both inventors, and because "it is not clear how the software code including module's names and file names are specifically teaching applicant's claimed invention." During a personal interview of August 1, 2006, the Examiner clarified that this latter requirement would be satisfied by the provision of a hardcopy of the software code, accompanied by specific identification of line numbers in the software code that support the claim limitations.

In response, Applicant has produced herewith a hardcopy of software code previously submitted on CD-R. Also filed herewith is a Rule 132 Declaration executed by both inventors. In the Declaration, paragraphs 8 and 10-20 reproduce claims 1 and 3-13, respectively, and specifically identify the line numbers of the software code printout that support each and every feature of the claims. The Examiner's attention is directed to paragraph 7 of the Declaration for an explanation of how to correlate the software code printout to designated line numbers of paragraphs 8 and 10-20 of the Declaration. Paragraphs 7, 8, and 10-20 of the Declaration are incorporated herein by reference.

Also set forth in the Declaration is a statement by both inventors that the software code worked for its intended purpose and performed each and every function of claims 1-13. This statement, together with the inherent reproducibility of software code, satisfies the Examiner's requirements as set forth at page 5 of the Office Action.

With regard to the Examiner's statements at the bottom of page 5 of the Office Action, Applicant respectfully submits that the Declaration includes a showing that the invention was reduced to practice prior to the filing date of the Bluth patent. The need for "due diligence" is not necessarily here, because Applicant's reduction to practice predates Bluth.

For the above reasons, it is respectfully submitted that Bluth does not constitute prior art against claims 1 and 3-13. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Section 102(e) rejection.

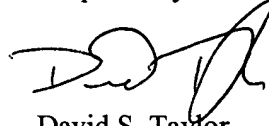
Claim 2 has been rejected under 35 U.S.C. § 103(a) as being anticipated by Bluth in view of U.S. Patent No. 5,826,267 to McMillan. Applicant respectfully traverses this rejection.

The Section 103 rejection also is premised on Bluth constituting prior art. Applicant respectfully submits that Bluth is not available as prior art under 102(e) or 103 because the presently claimed invention as set forth in claim 2 was reduced to practice prior to the April 14, 2000 filing date of Bluth. As demonstrated above, Bluth does not constitute prior art against claim 1, from which claim 2 depends. Further, the features of claim 2 were invented by the present inventors prior to Bluth. The Examiner's attention is directed to paragraph 9 of the attached Declaration of Hensley and Hays and the accompanying software code printout, which demonstrate that prior to April 14, 2000, the inventors had in their possession the method of claim 2. Applicant incorporates paragraph 9 of the Declaration herein by reference.

For these reasons, reconsideration and withdrawal of the Section 103 rejection of claim 2 are respectfully requested.

Applicant respectfully requests that the Examiner grant early and favorable action on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Taylor', with a stylized flourish at the end.

David S. Taylor
Registration No. 39,045

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Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607